

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

JUN 12 2015

RANDY SIMMONS,

Petitioner,

v.

GREGORY MCLAUGHLIN,

Respondent.

CLERK   
SO. DIST. OF GA


CASE NO. CV415-060

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 12), to which objections have been filed (Doc. 14; Doc. 15). In his objections, Petitioner fails to address the Magistrate Judge's conclusions regarding the untimeliness of his petition. However, while it is not entirely clear, Petitioner appears also to argue that any procedural defaults should be excused due to the actual innocence exception. (Doc. 14 at 2; Doc. 15 at 3.) However, Petitioner offers no evidence or coherent argument in support of this claim. Rather, Petitioner merely repeats his complaints about the manner in which his state trial proceedings were held. (Doc. 14 at 2-3; Doc. 15 at 3-6.) After reviewing Petitioner's motion and the record in this case, the Court concludes that Petitioner has failed to present a colorable claim of actual innocence. As a result, the Court finds Petitioner's objections to be without

merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case and Petitioner's case is hereby **DISMISSED**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 12<sup>th</sup> day of June 2015.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA